

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-329-T - ORDER NO. 2006-746
DECEMBER 15, 2006

IN RE: Application of H & F Transfer, Inc., d/b/a) ORDER APPROVING
Palmetto Specialty Transfer, 1024 Ferguson) APPLICATION TO
St., Columbia, South Carolina 29201 to) AMEND CLASS E
Amend Class E (HHG) Certificate of Public) CERTIFICATE
Convenience and Necessity	

I. INTRODUCTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Application of H & F Transfer, Inc., d/b/a Palmetto Specialty Transfer (H & F or the Company) to amend its Class E (Household Goods) Certificate of Public Convenience and Necessity. The Company's original Certificate was granted by Order No. 2005-174 in Docket No. 2004-329-T, dated April 7, 2005, which granted authority for the Company to transport household goods between points and places in Richland, Lexington and Aiken Counties, South Carolina. The Company now proposes that this Commission approve an amendment to the Certificate to allow it to transport household goods between points and places in South Carolina. H & F is now requesting statewide authority.

The Commission's Docketing Department instructed the Company to publish a Notice of Filing in newspapers of general circulation in the Company's service area. The Company filed affidavits showing that it had complied with the instructions of the Docketing Department. No Protests or Petitions to Intervene were filed. Accordingly, a

hearing was held on July 6, 2006, at 10:30 a.m. in the offices of the Commission, with the Honorable Randy Mitchell, Chairman, presiding. John J. Pringle, Jr., Esquire, represented H & F. Jeffrey M. Nelson, Esquire, represented the Office of Regulatory Staff (ORS). The Company presented the testimony of Tyler Fairey and submitted the deposition testimony of Kathryn Anderson into the record.

II. SUMMARY OF TESTIMONY

Tyler Fairey of the Company testified. Fairey stated that the Company wants to transport household goods between points and places on a statewide basis. Fairey testified that since the Company was issued its first certificate, its business has grown substantially. The Company has increased the number of trucks it owns, and further leases additional trucks on an as-needed basis. Its warehouse space has expanded from approximately 2,000 square feet to approximately 10,000 square feet, and its full-time workforce has likewise expanded to accommodate increased demand for its services.

The Company has also sought and obtained interstate authority to move household goods. Fairey further testified that the Company had identified a very specific need in the market for premium moving services to serve retirees who are in the process of downsizing their households and need to have valuable and fragile items such as heirloom china, crystal, antiques, and other valuable furnishings dispersed among their family members located at points throughout South Carolina. Fairey testified that the limitations of the Company's three-county certificate have caused the Company to turn down a significant number of such jobs in the past year.

H & F also presented the deposition testimony of Kathryn Anderson, an interior designer and space planner in Columbia, South Carolina. Ms. Anderson testified that she works with a significant number of older clients who are moving to retirement communities, and that she has had only pleasant experiences with H & F. She noted that the personnel employed by H & F are uncommonly courteous and knowledgeable about the special problems presented in moving fragile and valuable items, especially antiques, and that H & F has done an exceptional job for her clients. Her deposition testimony confirms Mr. Fairey's live testimony as to the need for a mover specializing in providing services specifically intended for downsizing households and transporting items to the households of other family members in diverse locations statewide. Ms. Anderson testified to her belief that the household goods market can support another carrier with statewide authority, and in particular, one which has the specialized expertise in moving fragile and antique goods demonstrated in her experience with H & F.

The parties further presented the Commission with a settlement agreement, in which the Office of Regulatory Staff confirmed that H & F had complied with all applicable Regulations, including insurance and inspection requirements, and that ORS did not oppose the amendment to H & F's certificate.

III. APPLICABLE LAW

S.C. Code Ann. Section 58-23-590(C) (Supp. 2005) provides in part as follows:
"The Commission shall issue a common carrier certificate or contract carrier permit of public convenience and necessity if the applicant proves to the Commission that: (1) it is fit, willing, and able to properly perform the proposed service and comply with the

provisions of this chapter and the commission's regulations; and (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity." 26 S.C. Code Ann. Regs. 103-133 (Supp. 2005) provides in Subsection (1) in part that "An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the applicant is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service...." The regulation goes on to discuss the terms "fit, willing, and able," and to define them. "The following criteria should be used by the Commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

a. FIT. The applicant must demonstrate or the Commission determine that the applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T and S.C.D.P.S. safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, and agree to operate in compliance with these statutes and regulations.

b. ABLE. The applicant should demonstrate that he has either purchased or leased on a long-term basis necessary equipment to provide the service for which he is applying. Thirty days or more shall constitute a long-term basis. The applicant must undergo an inspection of all vehicles and facilities to be used to provide the proposed service. The

applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.

c. WILLING. Having met the requirements as to "fit and able," the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought."

IV. FINDINGS OF FACT

After full consideration of the Application, the testimony presented, and the applicable law, the Commission makes the following findings of fact:

1. H & F Transfer, Inc., d/b/a Palmetto Specialty Transfer, is a moving service enterprise which presently holds a Class E (Household Goods) Certificate of Public Convenience and Necessity to transport household goods between points and places in Richland, Lexington, and Aiken Counties, South Carolina. The Company is seeking an amendment of that Certificate so as to provide such transportation between points and places in South Carolina, i.e. on a statewide basis.

2. H & F Transfer, Inc. is fit, willing, and able to provide and properly perform the services which it seeks to provide. "Fit" has been demonstrated by the experience of the Company and its personnel in the moving industry and by evidence that the Company will operate in compliance with all statutes and regulations pertaining to for-hire motor carrier operations. Further, there are no outstanding judgments pending against the Company. "Able" was demonstrated by the evidence of record which reveals that the Company has several years experience in the movement of household goods, and

has obtained more equipment for the provision of moving services. The evidence indicates that H & F Transfer, Inc. possesses the financial wherewithal to conduct its expanded business. “Willing” was demonstrated by the filing of the Application and the testimony of Mr. Fairey indicating the desire of the Company to expand its business in South Carolina.

3. The expanded services proposed by the Company are required by the public convenience and necessity. We find that the testimony and evidence presented on behalf of the Company clearly established that the public convenience and necessity warrant the issuance of the amended certificate for the provision of the statewide transportation of household goods.

V. CONCLUSIONS OF LAW

Based upon the above Findings of Fact and the applicable law, the Commission concludes as follows:

1. The Commission concludes that H & F Transfer, Inc. has demonstrated that it meets the requirements of fit, willing, and able for an amended certificate as set forth in 26 S.C. Code Ann. Regs.103-133 (Supp. 2005).

2. The Commission concludes that H & F Transfer, Inc. has sufficiently demonstrated through its presentation that the public convenience and necessity in the additional area in which the Company proposes to serve requires the services proposed by the Application.

3. Based on the conclusions above, the Commission concludes that H & F Transfer, Inc. has demonstrated that it meets the requirements of fit, willing, and able and

that the Company has demonstrated that the public convenience and necessity require the additional services that it proposes. The Commission further concludes that an amended Class E Certificate of Public Convenience and Necessity should be granted and that H & F Transfer, Inc. should be authorized to provide moving services as follows:

Household Goods, As Defined in R. 103-210(1):

Between points and places in South Carolina.

This grant of authority is contingent upon compliance with all Commission regulations as outlined below.

IT IS THEREFORE ORDERED:

1. That the Application of H & F Transfer, Inc. for an amendment to its Class E Certificate of Public Convenience and Necessity be, and is hereby, approved for authority for the Company to transport household goods between points and places in South Carolina.

2. The Company shall file (if it has not already done so) with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

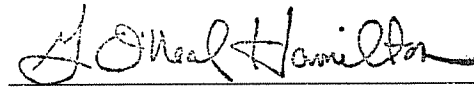
3. Upon demonstration of its compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (1976), as amended, as well as the completion of a site visit by the Office of Regulatory Staff, an amended Certificate shall be issued by the Office of Regulatory Staff to the Company authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of an amended Certificate, the motor carrier services authorized herein shall not be provided.

5. Failure on the part of the Applicant to either (1) to complete the certification process by complying with the Commission's requirements of causing to be filed with the Office of Regulatory Staff proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, shall result in the authorization approved in the Order being revoked.

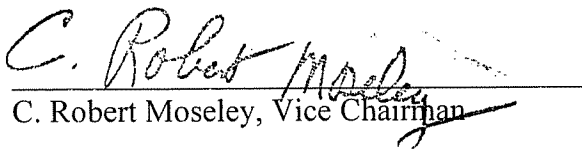
6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



G. O'Neal Hamilton, Chairman

ATTEST:


C. Robert Moseley, Vice Chairman

(SEAL)